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EXAMINER	

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3

2307
DATE MAILED:

01/26/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.
A shortened statutory period for response to this action is set to expire 3 three month(s), 0 zero days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1 to 31 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1 to 31 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☒ The ~~corrected or substitute~~ INFORMAL drawings have been received on 11/23/92. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable, ☒ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

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15. Claims 1-31 are presented for examination.

16. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

17. Claims 7-20, 27-31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The claim language in the following claims is murky or not clearly understood:

i. As to claim 7, "a search filter comprising a countable set of file identifiers, where in for each file identifier in the search filter...", based on other claims 13-18, the search filter comprises a countable set of categories not of file identifiers. Also if you have the file identifiers in the search filter there is no need to do the search but only pull up the files indicated.

ii. As to claim 16, "a selected one of displayed files names." This phrase infers a file was selected but there is no basis for selection of a file in claim 16 or in the antecedent claims.

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iii. As to claim 18, "testing if only file name is displayed", this sounds as if only the name of the file is displayed as already indicated in claim 15, "the displayed file names." It is assumed for examination that you meant to say that only one file name is displayed.

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

19. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Schwartz et al., patent no. 5,047,918.

20. Schwartz et al. taught a data processing system [DP] comprising the steps of "defining ... a list ..." (col. 4, lines

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26-43); "accepting user input associating ..." (col. 4, lines 12-25); and "storing in the data storage system ..." (col. 11, lines 55-59; col. 12, lines 10-12 and 29-38). Note it is implicit that the "node record" or file record of Schwartz et al would be labeled with a file name for identification of the record.

21. Claims 2 and 3 are rejected under 35 U.S.C. § 102(e) as being anticipated by Cochran et al., patent no. 5,206,949.

22. Cochran et al. taught a DP system comprising the steps of "displaying the defined list ..." (col. 2, lines 15-19); "accepting user input ..." (col. 2, lines 20-29 and col. 4, lines 50-78); "disabling in the ... selection ..." (col. 10, lines 49-53); "searching ... for logical match ..." (col. 9, lines 12-17); and "displaying the file name" (col. 9, lines 31-37).

23. Claim 4 is rejected under 35 U.S.C. § 102(b) as being anticipated by Schwartz et al., patent no. 5,047,918.

24. Schwartz disclosed an invention substantially as claimed including a method for indexing files as detailed above in claim 1 and a DP system comprising the steps of "displaying the defined list ..." (col. 23, lines 26-68); and "accepting user input ..."

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(col. 9, lines 62-67); "searching ... for logical match ..."
(col. 9, lines 12-17); and "displaying the file name (col. 10, lines 1-5)". It is implicit in returning the files that they may be displayed.

25. Claims 27-29 are rejected under 35 U.S.C. § 102(a) as being clearly anticipated by Bananafish Software, Inc., in the Thought Pattern Handbook.

26. Bananafish taught a DP system comprising "a plurality of files" (page 4, paragraph 1); "a plurality of categories" (page 4, paragraph 2); a "file association means" (page 4, paragraph 3); a "category addition means" (page 4, paragraph 4); a category linking means" (page 4, paragraph 4).

27. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention

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were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

28. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

29. Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 as applied to claims 1 and 4, in view of Cochran et al., patent no 5,206,949.

30. Schwartz does not detail the step of disabling inappropriate choices from the list of categories. Cochran et al. describes a process which includes "disabling ... selection of all category..." (col. 10, lines 49-53). It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Schwartz et al. and Cochran et al. because eliminating categories that if added to the search filter would result in no files being returned would save time spent on non-productive searches improving throughput of the DP system.

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31. Claim 6 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 as applied to claims 1 and 4, in view of Bananafish Software, Inc., in the Thought Pattern Handbook.

32. Schwartz does not detail the steps of selecting one of the found files and opening the selected file. Cochran et al. describes a process which includes "accepting user input selecting ..." (pg 7); and "accessing the ... selected file ..." (pg 8). It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Schwartz et al. and Bananafish because allowing selection and access of the files found by the search in a simple and quick manner thus improving the versatility of the DP system.

33. Claims 7, 8 , 10 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 in view of Cochran et al., patent no 5,206,949.

34. As to claim 7, it is essentially contained in claim 5. Claim 7 differs in that it specifies the use of a table instead of a list. Schwartz does not detail the use of a table however it is well known in the DP art that a table is commonly used to display compound lists and it would have been obvious to one of

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ordinary skill in the DP art to use a table to show lists of categories because doing so would maximize the number of categories that could be clearly displayed on the screen over that of a single list improving the versatility of the DP system. Also the file information directory is not specifically named in the above claims but Schwartz et al refers to it (col. 11, lines 55-59) as cited in claim 1.

35. As to claim 8, Schwartz et al. details a category name and a unique category identifier (col. 17, lines 52-54).

36. As to claim 10, Schwartz et al. details steps of "accepting ... a new category" (col. 4, lines 26-43); "displaying the new category" is implicit to the process of accepting a new category; "creating a unique category identifier ..." (col. 17 lines 52-54); and "storing the ... name and ... identifier ..." (col. 15, lines 28-32).

37. As to claim 11, Schwartz et al. details steps of "User input selecting file" it is implicit that to assign a category to a file the user must be able to select the file; "displaying each category ..." (col. 23, lines 26-28); "accepting user input associating ..." (col. 4, lines 32-39); "creating new entry ..." (col. 12, lines 29-39) it is implicit that if the category is

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added to the file this entry must be added; Storing ... the file identifier ..." (col. 10, lines 24-29); and "storing ... the category identifier ..." (col. 15, lines 9-14). Schwartz does not specifically describe the steps being carried out at the time of assigning a category to a file but he discloses all of the elements and it is implicit the steps must be done because the structure associating the category to the file must be created when it is associated.

38. Claim 9 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 in view of Cochran et al., patent no 5,206,949. as applied to claim 7 and 8 above, and further in view of Bananafish Software, Inc., in the Thought Pattern Handbook.

39. Schwartz et al. did not clearly detail a category type designation however Bananafish did (page 4, "Tab Groups"). It would have been obvious to one of ordinary skill in the DP art to combine Schwartz et al. and Bananafish as the addition of the category type would provide a way to partition and manage a growing list of categories improving the versatility of the DP system.

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40. Claim 12 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 in view of Cochran et al., patent no 5,206,949. as applied to claim 8, 10, and 11 above, and further in view of Bananafish Software, Inc., in the Thought Pattern Handbook.

41. Schwartz et al. and Cochran et al. do not detail displaying the files for selection however Bananafish describes "displaying ..." (page 11, lines 1-2); and "accepting ..." (page 11, lines 2-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schwartz and Bananafish because the ability to see and select files from the display simplifies and speeds the process improving the versatility of the DP system.

42. Claims 13-15 are rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 in view of Cochran et al., patent no 5,206,949 as applied to claim 7 above, and further in view of Bernstein et al.

43. As to claims 13 and 14, Cochran et al. describes "disabling categories ..." (col. 10, lines 49-61) and "accepting user input" (col. 2, lines 20-29) however he does not describe marking the display. Bernstein et al. describes both disabling and

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indicating disabled categories by means of a "display attribute" (col. 1, lines 43-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schwartz et al and Cochran with Bernstein because being able to see which categories are eliminated by terms used in the filter would help develop an effective filter improving the utility of the DP system.

44. As to claim 15, the only item not in previous claims discussed in the paragraphs hereinabove is searching using the computer created identifier. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the computer codes because the search would be quicker for the computer when comparing the numbers assigned by the computer rather than matching the character strings of the user assigned names increasing the throughput of the DP system.

45. Claims 16-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 in view of Cochran et al., patent no 5,206,949 and Bernstein et al. as applied to claims 7, 13, and 15 above, and further in view of Central Point Software, Inc.'s PC Tools DOS Shell/File Manager manual.

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46. As to claims 16 and 17, Schwartz et al., Cochran et al., and Bernstein et al. do not detail the opening of the files after they are found by the search however the PC Tools manual does describe the steps of "accepting user input ..." (page 34 and 35); and "opening ..." (page 34 and 35). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schwartz et al. and PC Tools because being able to directly access files using the DP system would improve the versatility of the DP system.

47. As to claim 18 testing and opening a single file is not specifically detailed in the PC Tools manual however the PC Tools program and programs from other vendors will highlight or mark the only file and it will be the file opened.

48. Claim 19 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 in view of Cochran et al., patent no 5,206,949 and Bernstein et al. as applied to claim 7 and 13 above, and further in view of Coulter et al. patent no. 5,201,048.

49. Schwartz et al. does not detail the use of logical operators in the search filter however Coulter et al. describes the use of logical operators to relate categories (col. 5 lines 21-25). It

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would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schwartz et al. and Coulter et al. because the addition of logical operators increases possible complexity of the search improving the versatility of the DP system.

50. Claim 20 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwartz et al., patent no. 5,047,918 in view of Cochran et al., patent no 5,206,949 and Bernstein et al. as applied to claim 7 and 13 above, and further in view of Kenley et al., patent no. 5,276,867.

51. Schwartz et al. etc. do not detail the use of a time range in the search filter however Coulter et al. describes the use of "a time range to limit matching" (col. 10 lines 43-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schwartz et al. and Kenley et al. because the addition of a time range would bound the search to a desired time of file creation improving the versatility of the DP system.

52. Claim 31 is rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish Software, Inc., in the Thought Pattern Handbook. as applied to claim 27 above, and further in

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view of Central Point Software Inc.'s PC Tools Data Recovery and System Utilities manual.

53. Bananafish detail the use of encryption and password protection (page 27). However Bananafish does not detail the use of a password to encrypt a complete category Central Point does describe the use of a password for a complete category (Page 95-97). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bananafish and Central Point because providing one password for a whole category saves time and effort entering a separate password for each file improving the versatility of the DP system.

54. As to the remaining claims, see the discussion set forth in the paragraphs hereinabove.

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams	5,162,992
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Maki et al.	5,201,047
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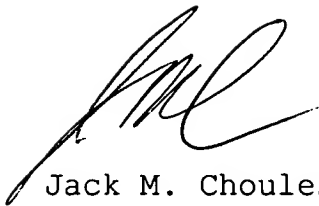
56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M. Choules whose telephone number is (703) 305-9840.

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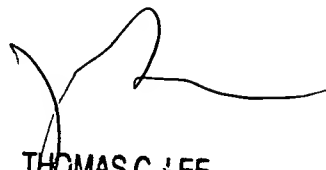
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Jack M. Choules

January 21, 1994



THOMAS C. LEE
SUPERVISORY PATENT EXAMINER
GROUP 230